

**ENTERED**

June 26, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

SAQIB MALIK SADARUDDIN,

Petitioner,

vs.

WARDEN RANDY TATE,

Respondent.

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CIVIL ACTION NO. H-19-0913

**ORDER**

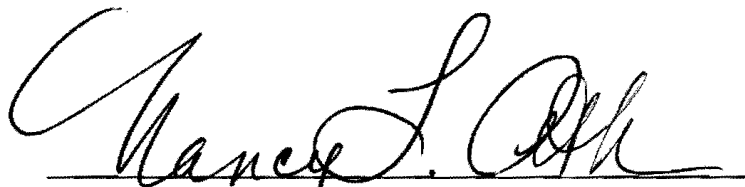
The petitioner, Saqib Malik Sadaruddin, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, challenging his continued detention at a local facility operated by the United States Department of Homeland Security, Immigration and Customs Enforcement (“ICE”). The respondent has filed a motion to dismiss the petition for failure to state a claim upon which relief may be granted under Rule 12(b)(6) of the Federal Rules of Civil Procedure [Doc. # 8]. Because the motion presents evidence outside the pleadings, specifically an affidavit from a detention officer regarding the status of efforts undertaken by ICE to remove the petitioner [Doc. # 8-2, at 1-4], the motion was not properly filed under Rule 12(b)(6). *See* FED. R. CIV. P. 12(d).

Accordingly, the Court **ORDERS** as follows:

1. The respondent's motion to dismiss [Doc. # 8] is **CONVERTED** to a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure.
2. The parties may have until **July 17, 2019**, in which to supplement the record with any additional pertinent information.

The Clerk's Office will provide a copy of this order to the parties.

SIGNED at Houston, Texas on June 26, 2019.

  
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NANCY F. ATLAS  
SENIOR UNITED STATES DISTRICT JUDGE